

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

JUAN CARLOS RAMIREZ-CANCEL, et al.,

v.

LOOMIS FARGO AND COMPANY OF P.R., INC., et al.

CASE NUMBER: 98-1574 (DRD)

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U.S. DISTRICT COURT
DISTRICT OF P.R.
SAN JUAN, P.R.

ORDER

Co-defendant, Jose Luis Caldero ("Caldero"), filed a Motion To Dismiss Pursuant To Rule 12 (B)(6) And Brief In Support Thereof on April 5, 1999. (Docket No. 21). By Local Rule 311(5), Plaintiffs had ten (10) days to respond. Plaintiffs on April 19, 1999 filed a Motion Requesting Extension Of Time To File Response, which the court granted. (Docket No. 22). On April 23, 1999, Co-defendant Caldero filed a motion opposing Plaintiffs' request for an extension, which the court denied. (Docket No. 23). On June 14, 1999, Plaintiffs filed a Motion To Oppose To Co-defendants Motion To Dismiss. (Docket No. 30). However, the Plaintiffs filed a First Amended Complaint on June 7, 1999 (Docket No. 28), in response to the Court's Order of May 26, 1999. (Docket No. 25). Co-defendant, Jose Luis Caldero, filed a second Motion To Dismiss Pursuant To Rule 12 (B)(6) And Brief In Support Thereof on July 12, 1999, aimed at Plaintiffs' First Amended Complaint. (Docket No. 33). Plaintiffs in turn filed a Motion To Oppose To Co-defendants second Motion To Dismiss on August 27, 1999. (Docket No. 38). The Court holds that this second motion to dismiss by Caldero geared to the Plaintiffs' First Amended Complaint, renders his first motion to dismiss **MOOT**. (Docket No. 21).

Thereafter, on October 14, 1999, the Plaintiffs filed a Motion Requesting Leave Of Court To Amend Complaint (Docket No. 40), requesting leave to file a Second Amended Complaint. Because no opposition has been filed and because "leave shall be freely granted when justice so requires," the Court **GRANTS** Plaintiffs' motion. (Docket No. 40).

Caldero's motion to dismiss is forty-three pages in length, which exceeds the Court's Standing Order of maximum page length of twenty-five (25) pages and Caldero did not, prior to filing said motion, request to exceed this maximum and did not show exceptionally good cause for such exception. Because of Caldero's failure to comply with the Court's Standing Order and because the Plaintiffs' Second Amended Complaint may affect the Court's decision, Jose Luis Caldero's motion to dismiss (Docket No. 33) is hereby **DENIED WITHOUT PREJUDICE**. Caldero may refile his motion after appropriate pruning.


In reaching this decision, the following motions are necessarily resolved as follows:

- Docket No. 27 is **MOOT**;
- Docket No. 31 is **DENIED**;
- Docket No. 36 is **GRANTED/MOOT**;
- Docket No. 37 is **GRANTED/MOOT**.

Lastly, all Defendants are to file an Answer to the Second Amended Complaint within twenty (20) days of this Order. Thus, Docket No. 32 is **GRANTED** in accordance with this Order.
IT IS SO ORDERED.

Date: February 23, 2000

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DANIEL R. DOMINGUEZ
U.S. District Judge

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